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12-7-1983

Tobacco.

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Office of the Secretary of State  
March Fong Eu

1230 J Street  
Sacramento, California 95814

Elections Division  
(916) 445-0820

0332

May 16, 1984

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS/PROPONENT(S)

FROM:

Deborah Seiler  
DEBORAH SEILER  
Assistant to the Secretary of State  
Elections and Political Reform

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE STATUTE filed with all county clerks is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE TOBACCO.  
INITIATIVE STATUTE

SUMMARY DATE: DECEMBER 7, 1983

PROPONENT: GERRY MANDELL

DS/bjl/rb



Office of the Secretary of State  
March Fong Eu

1230 J Street  
Sacramento, California 95814

Elections Division  
(916) 445-0820

0332

December 7, 1983

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

**TOBACCO.  
INITIATIVE STATUTE.**

Circulating and Filing Schedule

1. Minimum number of signatures required . . . . . 393,835  
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date . . . . . Wednesday, 12/7/83  
Elec. C., Sec. 3513.
3. Petition Sections:
  - a. First day Proponent can circulate Sections for signatures . . Wednesday, 12/7/83  
Elec. C., Sec. 3513.
  - b. Last day Proponent can circulate and file with the county.  
All Sections are to be filed at the same time within each  
county. . . . . Monday, 5/7/84\*\*  
Elec. C., Secs. 3513, 3520(a).
  - c. Last day for county to determine total number of signatures  
affixed to petition and to transmit total to the Secretary of  
State . . . . . Monday, 5/14/84

(If the Proponent files the petition with the county on a date prior to 5/7/84, the county has five working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).

\* Date adjusted for official deadline which falls on Saturday. Elec. C., Sec. 60.

+ **PLEASE NOTE:** To the Proponent who may wish to qualify for the 1984 General Election. The law allows up to approximately 58 days to county election officials for checking and reporting petition signatures and transmitting results. The law also requires that this process be completed 131 days before the election in which the people will vote on the initiative. It is possible that the county may not need precisely 58 days. But if you want to be sure that this initiative qualifies for the 1984 General Election, you should file this petition with the county before May 1, 1984.

d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties. . . . . Wednesday, 5/16/84\*\*

e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State . . . . . Thursday, 5/31/84

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 5/14/84, the last day is not later than the fifteenth day after county's receipt of notification.)  
Elec. C., Sec. 3520(d), (e).

f. If the signature count is more than 433,218 or less than 354,452, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 354,452 and 433,218 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures . . . . . Saturday, 6/2/84\*\*

g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State . . . . . Monday, 7/2/84

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 5/31/84, the last day is not later than the thirtieth day after county's receipt of notification.)  
Elec. C., Sec. 3521(b), (c).

h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient. . . . . Wednesday, 7/4/84\*\*

\*\*Date varies based on receipt of county certification.

4. Campaign Statements:

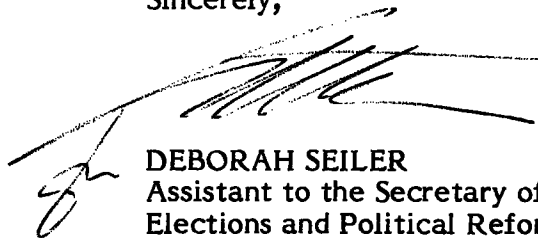
Last day for the Proponent to file a Campaign  
Statement of Receipts and Expenditures for period  
ending 6/4/84. .... Monday, 6/11/84

(If the Secretary of State finds that the measure has  
either qualified or failed to qualify on a date earlier  
than 5/7/84, the last date to file is the 35th calendar  
day after the deadline for filing petitions or the date of  
notification by the Secretary of State that the measure  
has either qualified or failed to qualify, whichever is  
earlier. The closing date for the campaign statement  
is seven days prior to the filing deadline.)  
Gov. C., Secs. 84200(d), 84202(j).

5. The Proponent of the above named measure is:

Gerry Mandell  
P. O. Box 6776  
Ventura, CA 93006  
(805) 658-6011

Sincerely,



DEBORAH SEILER  
Assistant to the Secretary of State  
Elections and Political Reform

NOTE TO PROPONENT: Your attention is directed to Elections Code  
Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate  
format and type considerations in printing, typing, and otherwise preparing  
your initiative petition for circulation and signatures. Your attention is  
further directed to the campaign disclosure requirements of the Political  
Reform Act of 1974, Government Code Section 81000 et seq.

JOHN K. VAN DE KAMP  
Attorney General

0332

State of California  
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511  
SACRAMENTO 95814  
(916) 445-9555

December 7, 1983

Honorable March Fong Eu  
Secretary of State  
1230 J Street  
Sacramento, California 95814

**FILED**  
In the office of the Secretary of State  
of the State of California

DEC - 7 1983

MARCH FONG EU, Secretary of State

By *[Signature]*  
Deputy

Dear Mrs. Eu:

Re: Initiative Title and Summary.  
Our File No. SA83RF0026

Pursuant to the provisions of section 3503 and 3513 of the Elections code, you are hereby notified that on this day we mailed to the proponent(s) of the above identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent(s), a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name(s) and address(es) of the proponent(s) is as stated on the declaration of mailing.

Very truly yours,

JOHN K. VAN DE KAMP  
Attorney General

*[Signature]*

Robert Burton  
Deputy Attorney General

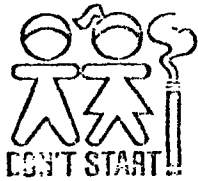
Enclosure

(RF-10, 6/83)

Date: December 7, 1983  
File No.: SA83RF0026

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

TOBACCO. INITIATIVE STATUTE. Adds new statute requiring the State Department of Health Services to establish and conduct a Tobacco Education Project. The project is to gather data on tobacco smoking by young people and pregnant women; to conduct a multimedia public education campaign to convince young people not to become tobacco smokers and to convince pregnant women to stop smoking; and to fund research and report annually to Legislature. The statute establishes a surtax of twenty-five hundredths mills on each cigarette distributed (one-half cent per package of twenty cigarettes) with proceeds to be deposited into fund to implement initiative. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This initiative would result in an increase in the cigarette excise tax of \$5.6 million in 1984-85 and \$13.5 million annually thereafter. The cost of the Tobacco Education Project would depend on the scope of the project's advertising campaign. Over the long run, these costs would not exceed the amount of money available from the new cigarette tax. The State Board of Equalization would incur unknown, but probably minor administrative costs.



*Amendment #1*

Tobacco Education Council  
P.O. Box 6776 • Ventura, CA 93006 • (805) 658-6011

November 21, 1983

Kareem Abdul-Jabbar  
Honorary Chairman

Endorsors:

Steve Allen

Bill Cosby

Art Linkletter

American Academy  
of Pediatrics,  
California Division

American Baptist Churches  
of the West

Blue Cross of California

California Academy of  
Physician Assistants

California Action Jaycee  
Model Legislature

California Association of  
Obstetricians &  
Gynecologists

California Coalition of  
Nurse Practitioners

California Collaboration for  
Youth

California Church Council

California Nurses  
Association

East Los Angeles Health  
Task Force

Gerry Mandell  
Executive Director

Robert Burton  
Deputy Attorney General  
1515 K Street, Suite 511  
Sacramento, CA 95814

RE: File No. SA83RF0026

Dear Mr. Burton:

I would like to correct a minor technical defect in the initiative as it is filed. The last sentence, if read in the absence of the rest of the text, may be misleading. I would like the last sentence to read:

"This section shall remain in effect until January 1, 1996 unless repealed by a two thirds vote of both the Assembly and Senate after January 1, 1991."

This change doesn't have any fiscal impact. If it will cause a delay in preparation of the summary and fiscal impact statements, I don't want it.

Sincerely,

Gerry Mandell,  
Proponent



THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 8.7 (commencing with Section 424) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code to read:

Article 8.7. Tobacco Education Project

424. This Initiative does not advocate restricting the right to smoke or to restrict the right to manufacture, distribute, advertise or sell tobacco products.

It is the intent of the People in enacting this Initiative to provide a multimedia public education campaign to convince young people not to become tobacco smokers and to convince pregnant women to stop smoking. It is further the intent of this Initiative that the campaign focus on teaching young people how to resist peer and media pressure to take up smoking, as well as providing clear and factual information on the health hazards of smoking for smokers as well as unborn babies, newborn babies and infants.

424.1. The state department shall establish and conduct a Tobacco Education Project in accordance with this Initiative. The director shall hire, as a state employee, someone with substantial expertise in advertising and the electronic media to serve as the administrator of the project.

424.2 The administrator shall be responsible for contracting with an advertising agency or agencies to develop and implement production of appropriate radio and television messages and for the placement thereof. Broadcast of the messages shall begin before January 1, 1986.

424.3. The project shall also do the following:

(a) Gather data on tobacco smoking by young people and pregnant women, prior to commencing the public education campaign.

(b) Fund research to help meet the objectives of the project.

(c) Report annually to the Legislature on the activities and effectiveness of the project.

424.4. The Tobacco Education Fund is hereby created in the State Treasury and is continuously appropriated to the state department for the purposes of this Initiative. Not more than ten percent of the moneys deposited in this fund in any fiscal year may be expended for the purposes specified in Section 424.3. Not more than five percent of the moneys deposited in this fund in any fiscal year may be expended for administrative purposes.

424.5. This Initiative shall remain in effect until January 1, 1996, unless repealed by a two thirds vote of both the Assembly and Senate after January 1, 1991.

SEC. 2. Section 30101.5 is added to the Revenue and Taxation Code to read:

30101.5. Each distributor shall pay a surtax of twenty-five hundredths mills (\$0.00025—one half cent per package of twenty cigarettes) for the distribution of each cigarette after 12:01 a.m., January 1, 1985, and before 12:01 a.m., January 1, 1996. The surtax imposed pursuant to this section shall be in addition to any other cigarette tax imposed by the state and shall be reported and collected in the same manner as taxes imposed by Section 30101 to the extent possible pursuant to regulations adopted by the board. All moneys collected pursuant to this section shall be deposited in the Tobacco Education Fund established by Section 424.4 of the Health and Safety Code.

This section shall remain in effect ~~only~~ until January 1, 1996 unless repealed ~~in accordance with Section 424.5.~~ by a two thirds vote of both the Assembly & Senate after January 1, 1991.

(Amendment #1)

JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511  
SACRAMENTO 95814  
(916) 445-9553

December 7, 1983

Honorable March Fong Eu  
Secretary of State  
1230 J Street  
Sacramento, California 95814

Dear Mrs. Eu:

Re: Initiative Title and Summary.  
Our File No. SA83RF0026

Pursuant to the provisions of section 3503 and 3513 of the Elections code, you are hereby notified that on this day we mailed to the proponent(s) of the above identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent(s), a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name(s) and address(es) of the proponent(s) is as stated on the declaration of mailing.

Very truly yours,

JOHN K. VAN DE KAMP  
Attorney General

Robert Burton  
Deputy Attorney General

Enclosure

(RF-10, 6/83)

# DECLARATION OF MAILING

The undersigned Declarant, states as follows:

I am over the age of 18 years and not a proponent of the within matter; my place of employment and business address is 1515 K Street, Suite 511, Sacramento, California 95814.

On the date shown below, I mailed a copy or copies of the attached letter to the proponents, by placing a true copy thereof in an envelope addressed to the proponents named below at the addresses indicated, and by sealing and depositing said envelope or envelopes in the United States mail at Sacramento, California, with postage prepaid. There is delivery service by United States mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

Date of Mailing: December 7, 1983

Subject: Tobacco

Our File No.: SA83RF0026

Name of Proponent(s) and Address(es):

GERRY MANDELL  
Post Office Box 6776  
Ventura, California 93006

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California on December 7, 1983.

  
MARSHA L. BIERER  
Declarant